

Serial No. 10/808,585

Attorney Docket No. 11-239

AMENDMENTS TO THE DRAWINGS

The attached drawing sheet sheets include includes changes to Fig. 6.

Attachment: Replacement Sheet

REMARKS

The applicant notes with appreciation the acknowledgement of the claim for priority under section 119 and the notice that all of the certified copies of the priority documents have been received.

The applicant acknowledges and appreciates receiving an initialed copy of the form PTO-1449 that was filed on March 25, 2004.

In paragraph 2 of the office action, the examiner requires Figure 6 to be designated as “Prior Art”, allegedly because only that which is old is illustrated. The requirement is respectfully traversed, for the following reasons. The designation “Related Art” in connection with information discussed in the “DESCRIPTION OF THE PREFERRED EMBODIMENTS” section is permitted. “Related Art” is not necessarily “Prior Art” and is appropriate, for example, for mere in-house prior work of the inventors. Moreover, the fact that the figure is discussed in the “DESCRIPTION OF THE PREFERRED EMBODIMENTS” section suggests that the information does not constitute “prior art”.

The applicant does not believe that the illustrated work constitutes prior art. Hence, it is respectfully requested that the examiner reconsider and withdraw the objection to the drawings as amended.

Claims 1 – 4 are pending. The applicant respectfully requests reconsideration and allowance of this application in view of the above amendments and the following remarks.

Claims 1 – 4 were rejected under 35 USC 112, second paragraph, as being indefinite. Claim 1 has been amended to remedy the antecedent basis for “the output signal.” Accordingly, the examiner is respectfully requested to withdraw the rejection.

Claims 1 – 4 were rejected under 35 USC 102(e) as being anticipated by U.S. Patent No. 6,601,431, Nagahara et al. (“Nagahara”). Insofar as the rejection can be applied to the claims as amended, the applicant respectfully requests that this rejection be withdrawn for the following reasons, which are provided by way of example.

Independent claim 1 recites in combination, for example, “said signal generating section comprises a sensor element having a movable portion causing a displacement in accordance with the applied dynamic quantity;” “said sensor element includes first and second capacitive elements cooperatively causing a complementary capacitance change in response to the displacement of said movable portion, and a third capacitive element connected in parallel with one of said first and second capacitive elements;” and “said third capacitive element and said one of said first and second capacitive elements connected in parallel with said third capacitive element are connected to common terminals at both ends thereof.”

On the other hand, according Nagahara, the electrode 15 is for self-diagnosis. During a self-diagnosis operation, a predetermined voltage is applied to the self-diagnosis electrode 15. The acceleration sensor detects an abnormality by converting changes in the capacitance occurring between the self-diagnosis electrode 15 and the movable electrode 13 into an electric signal (e.g., Col. 3, lines 15 – 30).

Nagahara allegedly discloses two capacitors, i.e., a capacitor consisting of the self-diagnosis electrode 15 and the movable electrode 13 (herein referred to as capacitor C₁₃₋₁₅) and a capacitor consisting of the movable electrode 13 and a fixed electrode 11b (herein referred to as capacitor C_{11b-13}).

The office action asserts that Nagahara anticipates the invention as claimed. To the contrary, Nagahara fails to set forth each and every element found in the claims. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or

inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

The office action contends that Nagahara discloses a dynamic quantity sensor as recited in independent claim 1. To support the assertion, the examiner relies on Nagahara col. 3, line 9 – col. 4, line 63.

Nagahara fails to teach or suggest, for example, the third capacitive element as further recited. (See, e.g., claim 1.) According to Nagahara, although the electrode 13 is common for the two capacitors C₁₃₋₁₅ and C_{11b-13}, the electrode 15 and the fixed electrode 11b are independent from each other and accordingly have mutually different electrical potentials. Consequently, Nagahara fails to teach or suggest at least that "said third capacitive element and said one of said first and second capacitive elements connected in parallel with said third capacitive element are connected to common terminals at both ends thereof."

In addition, Nagahara fails to teach or suggest, for example, that the dynamic quantity sensor has a failure mode as recited, or that the signal generating section adjusts the detection signal as recited in correspondence to the failure mode. (See, e.g., claim 1.) Nagahara does not disclose a failure mode in which an output of the signal generating section is fixed to the reference level. Moreover, Nagahara does not disclose a "failure judgment unable region" including the reference level.

To the contrary, according to Nagahara, the use of capacitor C₁₃₋₁₅ is for self-diagnosis. More specifically, the purpose of using the capacitor C₁₃₋₁₅ is to remove a booster circuit 131 conventionally required for the self-diagnosis (see, e.g., Fig. 4). On the other hand, the third

capacitive element as recited in claim 1 is not required for self-diagnosis. One or more of applicant's embodiments provide that the third capacitive element can cause the intermediate output in a stationary condition (e.g., when there is no acceleration) to deviate from a predetermined failure judgment unable region of the sensor output.

Moreover, it appears that the signal correcting section of Nagahara cannot generate "a large correction amount sufficient for an output signal from said signal correcting section to deviate from a failure judgment unable region" in the case of failure corresponding to the "failure mode." (See, e.g., claim 1.) In addition, it appears that Nagahara's capacitor C₁₃₋₁₅ does not contribute to cause the intermediate output in a stationary condition to deviate from the "failure judgment unable region" of the sensor output.

Nagahara fails to teach or suggest, for example, these elements recited in independent claim 1. It is respectfully submitted therefore that claim 1 as amended is patentable over Nagahara.

For at least these reasons, the combination of features recited in independent claim 1, when interpreted as a whole, is submitted to patentably distinguish over the prior art. In addition, Nagahara clearly fails to show other recited elements as well.

With respect to the rejected dependent claims, applicant respectfully submits that these claims are allowable not only by virtue of their dependency from independent claim 1, but also because of additional features they recite in combination.

New claim 5 has been added and is deemed to be patentable for reasons including the above. Support for the new claim is located in the specification, e.g., Figs. 2A and 2B.

Applicant respectfully submits that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. Applicant does not concede that the

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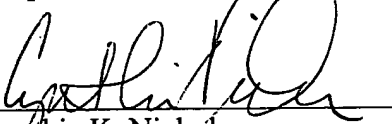
cited prior art shows any element recited in the claims. However, applicant has provided specific examples of elements in the claims that are clearly not present in the cited prior art.

Applicant strongly emphasizes that one reviewing the prosecution history should not interpret any of the examples applicant has described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, for the sake of simplicity, applicant has provided examples of why the claims described above are distinguishable over the cited prior art.

In view of the foregoing, the applicant respectfully submits that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,



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